IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8952 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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PRESIDENT,HEBUA DOODH UTPADAK SAHKARI MANDALI LTD
Versus
JILUJI JETHAJI

Appearance:
1. Special Civil Application No. 8952 of 2001
MR RC JANI for Petitioner No. 1
MR PH PATHAK for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 17/04/2002

ORAL JUDGEMENT

By this petition filed exclusively under Article 227 of the Constitution of India, the award of the Labour Court, Kalol in Reference (LCK) No. 74/94 is challenged by the petitioner.

In view of the fact that the respondent was already reinstated in the service in terms of the impugned award, the contention of the learned Counsel was confined to the aspect of the backwages. In view of the prolonged pendency of the dispute before the Labour Court and uncertainty about the party to whom delay could be attributed, the learned Counsel for the parties on both sides expressly left it to the discretion of the Court to reduce the award of backwages to suitable percentage. Accordingly, and in the facts and circumstances as also considering the submissions on this aspect, the impugned award is modified so as to award 50% of backwages upto the date of reinstatement, to the respondent. The rest of the award remains intact. Petition stands partly allowed and rule is made absolute accordingly with no order as to costs. Learned Counsel for the petitioner stated that the amount of 50% backwages upto the date of reinstatement as modified by this order shall be paid within three months from today.

(D.H.Waghela, J.)

*/Mohandas